

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

August 15, 2012

Honorable Curt Pedersen, Chair
and County of Los Angeles Regional Planning Commissioners
320 West Temple Street
Los Angeles, CA 90012

Subject: Pacific Charter School Development 1
3650 E. First Street, Los Angeles
Project R2011-01275
August 29th Agenda
Historic First Street Store

Dear Chair Pedersen and Honorable Commissioners:

On behalf of the Save the First Street Store Building Coalition, muralists and fine artists Don Juan/Johnny D. González and David Botello, and appellant Ofelia Esparza, I request that this Commission require the preparation of an environmental impact report (EIR) before considering approval of the Charter School project that contemplates demolition of the artistically, aesthetically, culturally, and historically significant First Street Store in East Los Angeles.

By way of introduction, my law practice is focused on public interest law and in particular the application of CEQA to historic resources statewide. Among the published environmental decisions of this office are *Friends of Sierra Madre v. City of Sierra Madre*, at the California Supreme Court, and *Lincoln Place Tenants Association v. City of Los Angeles*, *League for Protection v. City of Oakland*, *Stanislaus Natural Heritage Project v. County of Stanislaus*, *The Pocket Protectors v. City of Sacramento*, *Architectural Heritage Association v. County of Monterey*, *Preservation Action Council v. City of San Jose*, *Galante Vineyards v. Monterey Peninsula Water Management District*, and *Sierra Club v. County of Sonoma*, at the California Court of Appeal.

The Pacific Charter School project proposes the demolition of one commercial building and the demolition of a corner of the First Street Store, while condition 19b anticipates demolition of the entire Store. Expert fact-based analysis that has now been submitted by scholars and architectural historians and concerned community

residents documents the cultural, aesthetic, architectural, and historic importance of the First Street Store. There is expert evidence of historic status as well as of the potential significant degradation of “the existing visual character” of the unique Store, regardless of historic status. (CEQA Guidelines, Appendix G, § I , subd. (c).)

The feasibility of adaptive reuse of the Store cannot be predetermined but requires an objective EIR process because there is substantial evidence in the record that proposed mitigations *may* not reduce aesthetic or historic impacts to a level of insignificance. The current level of environmental review analysis has unlawfully segmented and piecemealed analysis of the impacts of the school construction and the proposed demolition and substantial alteration of the Store and its significant architecture and renowned art. An EIR process must analyze project impacts and identify feasible mitigation measures and alternatives.

This is not a close call on the record before you. There is a fact-based dispute among experts that triggers EIR review under the cases listed above that implement the Public Resources Code and CEQA Guideline sections 15064 and 15064.5.

I urge the Commission to comply with the protective mandates of state law and grant this appeal. Thank you very much for your consideration.

Sincerely,



Susan Brandt-Hawley

cc: Richard Bruckner, Director, Department of Regional Planning
Gloria Molina, Supervisor First District
Mark Herwick, AICP, Supervising Regional Planner
Alice W. Wong, Senior Regional Planning Assistant
Marcello Vavala, Preservation Associate, Los Angeles Conservancy
Eric Bjorgum, Karish & Bjorgum, PC
Isabel Rojas-Williams, Executive Director, Mural Conservancy
Irma Beserra Núñez, Spokesperson for The First Street Store Artists
Don Juan aka Johnny D. González, Muralist and Fine Artist
David Botello, Muralist and Fine Artist
Ofelia Esparza, Muralist and Fine Artist
Manuel Huerta, Survey Director, Eastside Heritage Consortium